

STATE OF NEW YORK

10316--A

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cook, Bronson) -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to risk retention groups and commuter vans, pre-arranged for-hire vehicles, or accessible vehicles; and to amend chapter 438 of the laws of 2023, amending the insurance law and the vehicle and traffic law relating to owner's policies of liability insurance issued by a risk retention group not chartered within this state, in relation to certain risk retention groups not chartered in this state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (b) and (c) of subdivision 4 of section 311 of
2 the vehicle and traffic law, as amended by chapter 14 of the laws of
3 2024, are amended and a new subdivision 11 is added to read as follows:
4 (b) In the case of a vehicle registered in this state, a policy issued
5 by (i) an insurer duly authorized to transact business in this state
6 ~~[ex]~~; (ii) where a vehicle is registered by a not-for-profit organiza-
7 tion that is tax-exempt under section 501(c)(3) of the federal internal
8 revenue code, a risk retention group not chartered in this state but
9 which is registered with the superintendent under the federal liability
10 risk retention act of 1986, comprised entirely of organizations that are
11 tax-exempt under section 501(c)(3) of the federal internal revenue code
12 and where the risk retention group qualifies as a charitable risk pool
13 under section 501(n) of the federal internal revenue code, provided that
14 the vehicle being registered does not have a seating capacity of more
15 than fifteen passengers, is not a limousine or luxury limousine, and
16 where such vehicles are not solely for personal use by a director, offi-
17 cer, authorized person, or key person, their relatives or related
18 parties; or (iii) where a vehicle is a commuter van, pre-arranged for-
19 hire vehicle, or accessible vehicle, a risk retention group not char-
20 tered in this state but which is registered with the superintendent
21 under the federal liability risk retention act of 1986, provided that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the vehicle being registered is not used solely for personal use by a
2 director, officer, authorized person, or key person, their relatives or
3 related parties; or

4 (c) In the case of a vehicle lawfully registered in another state, or
5 in both this state and another state, (i) a policy issued by an author-
6 ized insurer[7]; or (ii) where a vehicle is registered by a not-for-pro-
7 fit organization that is tax-exempt under section 501(c)(3) of the
8 federal internal revenue code, a risk retention group not chartered in
9 this state but which is registered with the superintendent under the
10 federal liability risk retention act of 1986, comprised entirely of
11 organizations that are tax-exempt under section 501(c)(3) of the federal
12 internal revenue code and where the risk retention group qualifies as a
13 charitable risk pool under section 501(n) of the federal internal reven-
14 ue code, provided that the vehicle being registered does not have a
15 seating capacity of more than fifteen passengers, is not a limousine or
16 luxury limousine, and where such vehicles are not solely for personal
17 use by a director, officer, authorized person, or key person, their
18 relatives or related parties[7]; or (iii) a policy issued by an unau-
19 thorized insurer authorized to transact business in another state if
20 such unauthorized insurer files with the commissioner in form to be
21 approved by them a statement consenting to service of process and
22 declaring its policies shall be deemed to be varied to comply with the
23 requirements of this article; or (iv) where a vehicle is a commuter van,
24 pre-arranged for-hire vehicle, or accessible vehicle, a risk retention
25 group not chartered in this state but which is registered with the
26 superintendent under the federal liability risk retention act of 1986,
27 provided that the vehicle being registered is not used solely for
28 personal use by a director, officer, authorized person, or key person,
29 their relatives or related parties; and

30 11. For the purposes of this section, the following terms shall have
31 the following meanings:

32 (a) "commuter van" shall mean a commuter van service as such term is
33 defined in section 19-502 of the administrative code of the city of New
34 York.

35 (b) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is
36 used in the business of transporting passengers for compensation on a
37 pre-arranged basis and operated in such business under a license or
38 permit issued by a licensing jurisdiction. Such term shall include, but
39 not be limited to, small school buses pursuant to section one hundred
40 forty-two or sixteen hundred forty-two-a of this chapter transporting
41 passengers for compensation, but shall not include high-volume for-hire
42 services or luxury limousines as defined in section 19-502 of the admin-
43 istrative code of the city of New York, nor shall it include TNC vehi-
44 cles regulated and insured pursuant to article forty-four-b of this
45 chapter or limousines.

46 (c) "accessible vehicle" shall mean a vehicle that:

47 (i) complies with the accessibility requirements of the Americans with
48 Disabilities Act of 1990, as amended, and the regulations promulgated
49 thereunder;

50 (ii) is equipped with a lift, ramp or any other device, arrangement or
51 alteration, so it is capable of transporting individuals who use wheel-
52 chairs, electrically-driven mobility assistance devices, electric
53 personal assistive mobility devices, scooters, or other mobility aids
54 while they remain seated in their wheelchairs, scooters, or other mobil-
55 ity aids;

1 (iii) is equipped with an assistive listening system for persons with
2 hearing impairments that is connected with any intercom, video or audio
3 system, when such a system is installed or designed and approved to
4 provide service to persons with disabilities;

5 (iv) is equipped with standardized signs printed in: (1) braille; and
6 (2) large-print text so that such signs are visible to persons with low
7 vision;

8 (v) provides sufficient floor space to accommodate a service animal;

9 (vi) if powered by a hybrid-electric motor, is equipped with an appro-
10 prate device to enable persons who are blind to hear the approach of
11 the vehicle as readily as they can hear a conventional gasoline-powered
12 vehicle;

13 (vii) shall include, but not be limited to, "ambulette" which shall
14 have the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit
15 vehicle" which means a special-purpose vehicle, designed and equipped to
16 provide nonemergency transport, that has wheelchair-carrying capacity,
17 stretcher-carrying capacity, or the ability to carry disabled persons as
18 defined in section fifteen-b of the transportation law.

19 § 2. The opening paragraph and the second undesignated paragraph of
20 subdivision 1 of section 370 of the vehicle and traffic law, the opening
21 paragraph as amended by chapter 14 of the laws of 2024 and the second
22 undesignated paragraph as amended by section 1 of part ZZ of chapter 59
23 of the laws of 2021, are amended to read as follows:

24 Every person, firm, association or corporation engaged in the business
25 of carrying or transporting passengers for hire in any motor vehicle or
26 motorcycle, except street cars, and motor vehicles or motorcycles owned
27 and operated by a municipality, and except as otherwise provided in this
28 section, which shall be operated over, upon or along any public street
29 or highway of the state of New York shall file with the commissioner [~~of~~
30 ~~motor vehicles~~] for each motor vehicle or motorcycle intended to be so
31 operated evidence, in such form as the commissioner may prescribe, of a
32 corporate surety bond or a policy of insurance: (a) approved as to form
33 by the superintendent of financial services in a company authorized to
34 do business in the state, approved by the superintendent as to solvency
35 and responsibility; [~~or~~] (b) where a vehicle is registered by a not-for-
36 profit organization that is tax-exempt under section 501(c)(3) of the
37 federal internal revenue code, a risk retention group not chartered in
38 this state but which is registered with the superintendent of financial
39 services under the federal liability risk retention act of 1986,
40 comprised entirely of organizations that are tax-exempt under section
41 501(c)(3) of the federal internal revenue code and where the risk
42 retention group qualifies as a charitable risk pool under section 501(n)
43 of the federal internal revenue code, provided that the vehicle being
44 registered does not have a seating capacity of more than fifteen passen-
45 gers, is not a limousine or luxury limousine, and where such vehicles
46 are not solely for personal use by a director, officer, authorized
47 person, or key person, their relatives or related parties; or (c) where
48 a vehicle is a commuter van, pre-arranged for-hire vehicle, or accessi-
49 ble vehicle, a risk retention group not chartered in this state but
50 which is registered with the superintendent of financial services under
51 the federal liability risk retention act of 1986, provided that the
52 vehicle being registered is not used solely for personal use by a direc-
53 tor, officer, authorized person, or key person, their relatives or
54 related parties. Such surety bond or policy of insurance shall be condi-
55 tioned for the payment of a minimum sum, hereinafter called minimum
56 liability, on a judgment or judgments for damages, including damages for

1 care and loss of services, because of bodily injury to, or death of any
2 one person in any one accident, and subject to such minimum liability a
3 maximum sum, hereinafter called maximum liability on a judgment or judg-
4 ments for damages, including damages for care and loss of services
5 because of bodily injury to, or death of two or more persons in any one
6 accident and for the payment of a minimum sum, called minimum liability
7 on all judgments for damages because of injury to or destruction of
8 property of others in any one accident, recovered against such person,
9 firm, association or corporation upon claims arising out of the same
10 transaction or transactions connected with the same subject of action,
11 to be apportioned ratably among the judgment creditors according to the
12 amount of their respective judgments for damage or injury caused in the
13 operation, maintenance, use or the defective construction of such motor
14 vehicle or motorcycle as follows:

15 For damages for and incident to death or injuries to persons and inju-
16 ry to or destruction of property: For each motorcycle and for each motor
17 vehicle engaged in the business of carrying or transporting passengers
18 for hire, having a seating capacity of not more than seven passengers, a
19 bond or insurance policy with a minimum liability of twenty-five thou-
20 sand dollars and a maximum liability of fifty thousand dollars for bodi-
21 ly injury, and a minimum liability of fifty thousand dollars and a maxi-
22 mum liability of one hundred thousand dollars for death and a minimum
23 liability of ten thousand dollars for injury to or destruction of prop-
24 erty; for each motor vehicle engaged in the business of carrying or
25 transporting passengers for hire, having a seating capacity of not less
26 than eight passengers, a bond or insurance policy with a combined single
27 limit of at least one million five hundred thousand dollars for bodily
28 injury or death to one or more persons, and because of injury to or
29 destruction of property in any one accident; provided, further that for
30 commuter vans that are engaged in the business of carrying or transport-
31 ing passengers for hire, having a seating capacity of not less than
32 eight passengers, a bond or insurance policy with a combined single
33 limit of at least five hundred thousand dollars for bodily injury or
34 death to one or more persons, and because of injury to or destruction of
35 property in any one accident. For the purposes of this paragraph, the
36 term "commuter van" shall have the same meaning as such term is defined
37 in section 19-502 of the administrative code of the city of New York.

38 For purposes of subparagraph (c) of the opening paragraph of this subdi-
39 vision, the term "pre-arranged for-hire vehicle" and "accessible vehi-
40 cle" shall have the same meaning as such terms are defined in subdivi-
41 sion eleven of section three hundred eleven of this chapter. Provided
42 additionally, that for risk retention group policies providing no fault
43 insurance related to commuter vans, pre-arranged for-hire vehicles, and
44 accessible vehicles, such risk retention group shall rely on the medical
45 treatment guidelines promulgated in existing workers' compensation law.

46 § 3. Section 6-a of chapter 438 of the laws of 2023, amending the
47 insurance law and the vehicle and traffic law relating to owner's poli-
48 cies of liability insurance issued by a risk retention group not char-
49 tered within this state, as added by chapter 14 of the laws of 2024, is
50 amended to read as follows:

51 § 6-a. Pursuant to 15 U.S. Code 3902(a)(1)(E) any risk retention
52 group not chartered in this state but which is registered with the
53 superintendent of financial services under the federal liability risk
54 retention act of 1986, [~~comprised entirely of organizations that are~~
55 ~~tax-exempt under section 501(c)(3) of the federal internal revenue code~~
56 ~~and where the risk retention group qualifies as a charitable risk pool~~

1 ~~under section 501(n) of the federal internal revenue code,~~ comprised
2 entirely of organizations that have policies issued pursuant to risk
3 retention groups established pursuant to chapter 14 of the laws of 2024
4 or the chapter of the laws of 2024 which amended this section shall
5 report to the department of financial services any examination, audit,
6 or other investigation, performed by another state's insurance commis-
7 sioner and its findings, including any enforcement actions filed or
8 settlements entered into, within 60 days to avoid unjustified dupli-
9 cation and unjustified repetition of such act.
10 § 4. This act shall take effect immediately.